

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Anuj Thapa,

Plaintiffs,

vs.

St. Cloud Orthopedic Associates, Ltd.,  
and CentraCare Health System

Defendants.

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Case No: 0:19-CV-02568-JRT-  
TNL

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**Plaintiff's Motion for Partial Summary Judgment**

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Plaintiff, through his undersigned attorneys, hereby moves this Court, pursuant to Fed. R. Civ. P. 56(a), for partial summary judgment that Dr. Holien and P.A. Paschke acted with the apparent authority of Defendant CentraCare Health System in providing care for Mr. Thapa, and that, should their actions be found negligent by a jury, Defendant CentraCare Health System will be vicariously liable for their professional negligence on such grounds.

The grounds for this motion are as follows:

- 1) The evidence establishes both elements of the two-part test set forth in *Popovich v. Allina Health System*. CentraCare held the St. Cloud Hospital out to the community as a provider of emergency medical care, and Mr.

Thapa relied on CentraCare and the St. Cloud Hospital to select the personnel to provide services.

- 2) CentraCare can raise no genuine dispute of material fact regarding the establishment of its apparent agency. Plaintiff is entitled to judgment as a matter of law that Dr. Holien and P.A. Paschke acted as CentraCare's apparent agents in providing emergency orthopedic care to Mr. Thapa.

This motion is based upon all of the records, files and proceedings herein, as well as the forthcoming legal memoranda, affidavits, declarations, exhibits, and arguments of counsel.

Dated: October 30, 2020

**CIRESI CONLIN LLP**

By: /s/ Rachel Barrett  
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